

Notice of Allowability

Application No.

10/510,331

Examiner

Jason M. Nolan, Ph.D.

Applicant(s)

THEODORIDIS ET AL.

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/20/2006.
2. ☒ The allowed claim(s) is/are 1-13.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>1/10 & 2/14/2005</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Claims 1-13 are currently pending in the instant application. No amended or new claims have been presented.

Priority

This application is a 371 of PCT/US04/13014, filed on April 28, 2004. Acknowledgement is made of Applicants' claim for benefit of US Provisional Patent Application 60/466,674, filed on April 30, 2003. Said claim has been made in the Oath and/or in the first paragraph of the Specification.

Information Disclosure Statement

Applicants' information disclosure statements (IDS), filed on January 10, 2005 and February 14, 2005 have been considered. Please refer to Applicants' copies of the 1449 submitted herein.

Response to Restriction

Applicants' election with traverse of **Group I, Claims 1-13** is acknowledged. The Examiner also acknowledges the election of species: Example 1, compound 6 in Table 1 on page 31 of the specification, as a representative compound. Applicant's arguments, see Response to Election/Restriction, filed October 20, 2006, with respect to the lack of unity have been fully considered and are persuasive. The restriction requirement of **Claims 1-13** has been withdrawn.

Statement of Reasons for Allowance

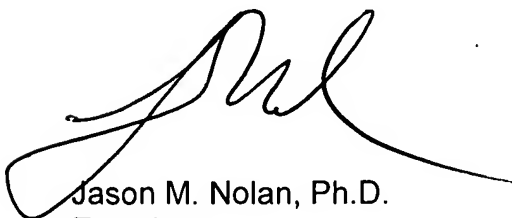
The present invention pertains to the compounds and compositions of formula I, and methods of using the compositions as insecticides. The compounds according to formula I are free of the prior art: nothing known in the art anticipates or renders the compounds of the instant application obvious. The closest prior art related to the compounds of formula I are those taught by Sakamoto *et al.* (see IDS).

Although structurally analogous, the compounds of the instant application are different than those taught by Sakamoto because of the connectivity between the linking chain (A-B-D) to the benzo-fused bicyclic ring system. The compounds taught by Sakamoto are connected to the heterocyclic moiety of the benzo-fused bicyclic ring, whereas the compounds according to formula I of the instant application have connectivity to said bicyclic ring system via the benzene moiety. There is nothing suggested in the prior art to make this change in connectivity. One skilled in the art would be enabled to make and use the compounds taught herein for the purpose of insect control using the teachings of the Specification in conjunction with the teachings of the prior art.

Art Unit: 1626

Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jason M. Nolan, Ph.D.** whose telephone number is **(571) 272-4356** and electronic mail is **Jason.Nolan@uspto.gov**. The examiner can normally be reached on Mon - Fri (9:00 - 5:30PM). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Joseph M^cKane** can be reached on **(571) 272-0699**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason M. Nolan, Ph.D.
Examiner
Art Unit 1626



Joseph K. M^cKane
Supervisory Patent Examiner
Art Unit 1626
Date: November 20, 2006